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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI

DR. AMY R. WOODS,)
)
Plaintiff,) CAUSE NO. 3:19CV234
)
VS.)
)
MHM HEALTH PROFESSIONALS, LLC.)
D/B/A CENTURION PROFESSIONALS;))
MANAGEMENT & TRAINING)
CORPORATION;)
JESSE WILLIAMS, INDIVIDUALLY;)
AND JOHN DOES 1-9,)
)
Defendants.)

EXCERPT OF THE TRIAL TESTIMONY OF BILL KINKADE
BEFORE UNITED STATES SENIOR DISTRICT JUDGE NEAL B. BIGGERS
MONDAY, MARCH 21, 2022
OXFORD, MISSISSIPPI

FOR THE PLAINTIFF:

Waide & Associates, PA
JIM WAIDE, ESQ.
RACHEL PIERCE WAIDE, ESQ.
Post Office Box 1357
Tupelo, Mississippi 38802

FOR THE DEFENDANT MHM:

Squire Patton Boggs (US) LLP
DAVID W. LONG-DANIELS, ESQ.
AUSTIN HARRISON, ESQ.
M. ALLYSON LUMPKIN, ESQ.
1201 W. Peachtree Street NW, Suite 3150
Atlanta, Georgia 30309

1 **FOR THE DEFENDANTS MTC AND MR. WILLIAMS:**

2 Daniel, Coker, Horton, & Bell - Oxford
3 TIMOTHY MICHAEL PEEPLES, ESQ.
4 Post Office Box 1396
5 Oxford, Mississippi 38655

6 Proceedings recorded by official stenographic court reporter.
7 Transcript produced with computer-aided transcription.

8 **RITA DAVIS, FCRR, RPR, CSR #1626**
9 FEDERAL OFFICIAL COURT REPORTER
10 911 JACKSON AVENUE EAST, SUITE 369
11 OXFORD, MISSISSIPPI 38655

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1 (BEGINNING OF THE TRIAL TESTIMONY OF BILL KINKADE)

2 THE COURT: All right. Who does the plaintiff call
3 next?

4 MR. WAIDE: The plaintiff calls Bill Kinkade, Your
5 Honor.

6 THE COURT: All right.

7 You may come up and be sworn.

8 THE COURT SECURITY OFFICER: Come up and be sworn in,
9 sir.

10 (OATH ADMINISTERED BY THE COURTROOM DEPUTY)

11 THE COURTROOM DEPUTY: And, if you will, state your
12 first and last name for the record.

13 THE WITNESS: My name is William Kinkade.

14 THE COURTROOM DEPUTY: Will you spell your last name,
15 please?

16 THE WITNESS: K-i-n-k-a-d-e.

17 WILLIAM KINKADE, PLAINTIFF'S WITNESS, SWORN

18 DIRECT EXAMINATION

19 BY MR. WAIDE:

20 Q. All right. Sir, you're Bill Kinkade?

21 A. Bill Kinkade, yes, sir.

22 Q. What county do you live in, sir?

23 A. I live in Byhalia, Mississippi.

24 Q. And that'd be Marshall County?

25 A. Marshall County.

1 Q. Are you a member of the state legislature?

2 A. I am.

3 Q. From the years 2016-2020, were you chairman of the
4 Corrections Committee of the Mississippi House of
5 Representatives of the Mississippi Legislature?

6 A. I was.

7 Q. Is the Mississippi Legislature the entity that
8 appropriates money for the State Department of Corrections?

9 A. Among other things. But our primary responsibility is to
10 appropriate funding for the agency, yes, sir.

11 Q. All right, sir. To your knowledge, does the State
12 Department of Corrections delegate out some of its functions to
13 private prisons? Does it do that, pay contracts to private
14 prisons?

15 A. Yes, sir. We do have our state-run facilities; but there
16 are, I think, four private-run facilities within the system.

17 Q. All right, sir. As of the time when you were chairman of
18 the Department of Corrections, do you know whether a company
19 named Centurion also had contracts with the State Department of
20 Corrections to provide medical services to prisons?

21 A. I am familiar with Centurion, yes, sir.

22 Q. Am I right or wrong in saying they no longer have a
23 contract with the State?

24 A. Well --

25 Q. Do you know?

1 A. I -- I couldn't verify that. I no longer am corrections
2 chairman, so I stopped saying grace over that.

3 Q. All right, sir. Are you aware, back when you were
4 chairman of the Corrections Committee, that a company known as
5 MTC, Mississippi Training Corporation --

6 A. It's Management Training Corporation.

7 Q. Management Training Corporation.

8 A. Yes, sir, I am.

9 Q. All right, sir. Do you know Dr. Amy Woods?

10 A. I know of Dr. Woods, yes.

11 Q. How is it that you know Dr. Woods?

12 A. Dr. Woods lives in a small community. Our little hamlet
13 of Byhalia is a very small town. And she's a leader in our
14 community, so I know her through our community.

15 Q. I believe -- do you know some of her family also, her
16 husband?

17 A. Once again, in our community -- the Woods family are
18 certainly leaders in our community and operate the seed and
19 feed store. So, if you're in my community, you use the feed
20 and seed store. So, yes, sir, I know the family quite well.

21 Q. All right, sir. At any time -- can you tell the jury
22 whether at any time -- I'm going to refer you specifically to
23 the time period around spring 2019.

24 But, anytime, did Dr. Woods ever come to you making any
25 complaints or statements about the staff shortage or lack of

1 ability to take patients to medical care at the Marshall County
2 Correctional Facility? Did that ever happen?

3 A. Dr. Woods and I never discussed anything prison related
4 that I can recollect one on one. The only time I ever spoke
5 with Dr. Woods about the facility was in the facility at a
6 visit. I was shocked even to know she worked there; I
7 didn't -- I wasn't even familiar with it. But I happened to
8 see her working there, and that's the only moment we had. So,
9 no, sir, we didn't have any conversation about her working in
10 the facility.

11 Q. Can you tell the jury whether there were other people who
12 had some connection with the Marshall County Correctional
13 Facility who did in fact talk to you about staff shortages or
14 violence at a facility and things of that nature?

15 A. Okay. The Marshall County Correctional Facility located
16 in Holly Springs employed a lot of people in my community.
17 And, you know, there was -- nothing really comes to mind; but,
18 yeah, there were some casual conversations about people that
19 worked there or wanted to work there or the possibility of
20 getting a job there; or could I use my influence to help them
21 get a job there or -- so, when you ask the question, have I had
22 conversations with the community, yeah, I mean, it comes in the
23 conversation. I did not discuss operational issues with
24 anybody in the community, however.

25 Q. Do you recall an occasion -- do you, or do you not, recall

1 an occasion when a dentist, a male dentist, called you to
2 express concerns about staff shortages at the prison, something
3 of that sort?

4 A. In fact, I do.

5 Q. You do recall that?

6 A. I do.

7 Q. All right. Tell us about that call.

8 A. This happened to be the second occasion, I believe, this
9 male dentist -- and -- dentist or doctor. I'm not clear. And
10 I should have been a little bit more detail driven. But it
11 was -- it was a voice mail on my return home one Friday. I
12 check my voice mails on the return home.

13 And I heard a message that the male doctor was reporting
14 to me that he was concerned about some staff shortages and
15 concerned about security in the facility. He didn't really go
16 into a lot of detail; he just wanted to report to me to make
17 sure I was on top of it.

18 I didn't really heed that warning very well until about
19 three weeks later. On my return home on that Friday, he
20 happened to call and get me on the phone. And I spoke to him
21 one on one. Presumably, it's the same doctor. It was a male,
22 older gentleman. I'm not -- didn't get the name. Because,
23 again, I was driving, you know; and I didn't write anything
24 down.

25 But, from recollection, he was telling me that, you know,

1 he was concerned about his -- I think, specifically, that
2 second shift. And he didn't see -- that he was familiar with
3 the staff that normally worked in there, and he was concerned
4 with security and the lack of personnel that were there.

5 And, when I asked, you know, how did you determine that?
6 He said, well, he knew for a fact how many cars stayed in that
7 parking lot and how many people drove in there. And he knew by
8 the number of cars there wasn't enough personnel in the
9 facility.

10 And, so, we had a -- we had a talk. And I understand that
11 he was -- I sensed that he was -- had a little urgency in his
12 voice. And I took it serious. So I subsequently got off the
13 phone, and I reported to the Department of Corrections.

14 My contact, at that point, was the deputy commissioner of
15 facilities, which was Jerry Williams. And I called him on the
16 phone immediately following that conversation and said, "Jerry,
17 I've got this report for the second time; and I need to look
18 into it. This is troublesome. And, obviously, it's something
19 believable. And I need to investigate where we're at." And he
20 assured me that he would begin to look at an audit on
21 personnel.

22 Q. Based on the representative of the State Department of
23 Corrections --

24 A. This was the deputy commissioner of corrections.

25 Q. You mentioned -- you said -- I thought you said a dentist

1 or a doctor. Do you remember whether it was a dentist or a
2 doctor that you talked to?

3 A. Once again, sir, I was driving. And I didn't write --
4 take any notes. I know he was in the medical field; he was
5 with the facility. And I couldn't testify whether he was a
6 doctor or a dentist. All I can really recall is he was in the
7 medical side of the facility, of servicing the facility. So,
8 again, I wish I had stopped to pull over and take notes; but I
9 just didn't.

10 Q. Do you recall whether or not you received a call along the
11 same lines from a person who was a pastor and was complaining
12 about concerns about his wife's safety; that she worked at the
13 prison, same type of complaint?

14 A. No, sir. I don't recall a phone call to that nature. But
15 I do recall a conversation to that nature.

16 Q. Oh. A person-to-person conversation?

17 A. Yes, sir.

18 Q. All right. Who was the pastor?

19 A. Well, that would be -- that would be Reverend Stephen
20 Bittick. If you would allow me to --

21 Q. Yes, sir. You can explain who it was.

22 A. Once again, in a small hamlet such as Byhalia, the Piggly
23 Wiggly is where we run into our neighbors. And I happened to
24 be there one afternoon; and Reverend Bittick saw me, which was
25 not uncommon.

1 And we talked about young people in the community. We
2 talked about a lot of things going on in our community. He was
3 the pastor of the United Methodist Church. We talked about
4 community things. But it did -- it did lend itself to he was
5 concerned with some things going on in the facility. His wife
6 worked there. And he was concerned about issues that were
7 going on in the facility.

8 Understanding there was a new warden hired and I was
9 not -- I'd never met him. And that, specifically, he had
10 invited me to a luncheon. They were having a luncheon for the
11 new -- I guess to introduce the new warden. And he
12 specifically invited me to come to that.

13 And, you know, it was just one of those things that I'd
14 said I would if I could, you know; it'd just depend on the
15 schedule. As it worked out, I didn't. But, yes, he did share
16 with me that he was concerned about security and staffing and
17 the general attitude in the facility.

18 Q. All right. And you mentioned they were having a new
19 warden. Do you happen to remember whether that was Warden
20 Williams, or do you happen to remember what the new warden's
21 name was?

22 A. I believe it was Warden Williams. I never met the
23 gentleman, but I believe it was Warden Williams.

24 Q. All right. Did Warden Williams -- at any time, did Warden
25 Williams ever call you and express any concerns to you about

1 what Dr. Amy Woods had allegedly said to you? Did that ever
2 happen?

3 A. No, sir.

4 Q. To your knowledge, have you ever talked to Warden
5 Williams?

6 A. No, sir.

7 Q. Do you know whether you ever met Warden Williams?

8 A. I wouldn't know if I did. I don't believe I've ever met
9 him.

10 Q. Let me ask you this, Representative Kinkade, as a state
11 representative, is it common or uncommon for your constituents
12 to come to you about problems that they see that might relate
13 to the state government? Is that common or uncommon?

14 A. Well, I would submit to you that I work for the people;
15 and the House of Representatives is the closest thing to the
16 people. And, so, I invite any and all of my constituents to
17 have access to me to voice their concern.

18 Now, I don't, as a chairman -- acting chairman of a
19 committee, you know, I don't always take an official role in
20 how I respond to that. But I always listen to it. Everybody's
21 got access to their representative, yes, sir.

22 Q. Did you see anything wrong with the pastor or the dentist
23 or doctor, or whoever he was, calling to express concerns about
24 the prison -- the alleged staff shortage at the prison?

25 A. Can you rephrase that question?

1 Q. Did you see anything wrong -- did you see anything wrong
2 or out of sorts or immoral or illegal about this pastor -- this
3 dentist or doctor and this pastor talking to you about what
4 they perceived to be the problems at the Marshall County
5 Correctional Facility? Did you see anything wrong with that?

6 MR. LONG-DANIELS: Your Honor, I object on the
7 grounds of relevancy and the legal term (inaudible).

8 MR. WAIDE: It's highly relevant, Your Honor.
9 They're claiming it's doing something wrong by going outside of
10 the chain of command.

11 MR. LONG-DANIELS: It might be. But he's not a
12 person to say what's legal; that's you, Your Honor.

13 MR. WAIDE: I didn't ask him -- excuse me. I didn't
14 ask him whether it was legal. I asked him whether he saw
15 anything wrong with it.

16 MR. LONG-DANIELS: He said illegal (inaudible).

17 THE COURT: As long as you -- overruled. You may
18 answer the question.

19 THE WITNESS: No, sir. I don't think there's any
20 problem with somebody saying they agree or don't dis -- agree
21 with what's going on. I don't think there's anything wrong in
22 voicing his opinion. I think there was something wrong with
23 the facility, and I reported that. So I -- I embraced that
24 same idea.

25 And, if I may add, subsequently, about three weeks after

1 that report, we had an issue in the facility from, for all
2 practical purposes, a lack of security. We had a fire. We had
3 a guard that was assaulted. And it was just subsequently right
4 after that reported incident. So it proved itself to be true.

5 MR. WAIDE: All right, sir.

6 That's all I have, Your Honor.

7 THE COURT: Centurion, cross-examination?

8 MR. LONG-DANIELS: I reserve mine, Your Honor. I
9 think Mr. Peeples may have some.

10 THE COURT: Very well.

11 Mr. Peeples?

12 MR. PEEPLES: Sure.

13 CROSS-EXAMINATION

14 BY MR. PEEPLES:

15 Q. Mr. Kinkade --

16 A. Yes, sir.

17 Q. -- how are you doing today?

18 A. I'm blessed. Thank you.

19 Q. Good. Now, you testified you know Dr. Woods' family,
20 right, from living in Byhalia?

21 A. Yes, sir.

22 Q. Right. And you're familiar with Dr. Woods because you're
23 involved in the Chamber of Commerce as well?

24 A. She lives next door to our chamber office, yes, sir.

25 Q. Okay. And she is very active in the community that you

1 live in?

2 A. Right.

3 Q. Would you agree with that? Yes? Okay. You shop at her
4 husband's and father-in-law's store, the seed and feed, Woods
5 Farm Supply, right?

6 A. And the hardware store.

7 Q. And the hardware store. Okay. And you're the state rep
8 for District 52, correct?

9 A. Yes, sir.

10 Q. Who held that seat before you?

11 A. That would be Mr. Tommy Woods.

12 Q. Okay. And that's Mrs. Woods' grandfather-in-law, I guess,
13 correct?

14 A. I think that's accurate.

15 Q. I'm not good with --

16 A. I think that's accurate.

17 Q. Okay. So somebody in her family had your seat before you
18 took it over. What year did you take that over?

19 A. I was elected in 2012. I've served since 2013.

20 Q. Okay. In 2019 -- I think you testified to this -- you
21 were the chair of the corrections committee in the legislature,
22 correct?

23 A. That's right.

24 Q. Okay. And you would agree with me that there is a
25 partnership of sorts between MDOC and the state legislature?

1 Would you agree with that?

2 A. A partnership, I'd -- you'd have to define what you're
3 talking about.

4 Q. Yeah. Well, legislature -- your position --

5 A. It's an agency in the -- it's a state of Mississippi
6 agency, yes, sir.

7 Q. Okay. And your committee worked together with MDOC,
8 correct?

9 A. Yes, sir.

10 Q. Okay. And the idea was you worked together -- maybe
11 partnership's not the right word, but you had to work with
12 those folks to try to improve the prisons and all the other
13 issues that come along with operating prisons in the state,
14 right?

15 A. Yes, sir.

16 Q. Okay. And you agree that in order to do that you got to
17 collaborate; you got to work as a team? Do you agree with
18 that?

19 A. Please clarify collaborate.

20 Q. Well, you've got to -- you've got to -- you've got to talk
21 to the folks at MDOC. You've got to figure out what the issues
22 are. There's a dialogue that you want, right, when you're on
23 that committee?

24 A. I worked with the chief administration of the DOC. I
25 didn't work with the agency; I worked with the chief

1 administration.

2 Q. Okay. But the chief, you -- you wanted to have a

3 dialogue --

4 A. Right.

5 Q. -- with the chief. Would you agree with that?

6 A. Right.

7 Q. And that's so things could be improved where needed.

8 Would you agree with that?

9 A. Right.

10 Q. Okay. And you're a big believer in chain of command,

11 aren't you?

12 A. Absolutely.

13 Q. Okay. You're in the military. You follow the chain of

14 command. You believe that's important, don't you?

15 A. I think we all do.

16 Q. Your testimony, as I understand it, is that a dentist from

17 the facility -- to be clear, this person worked at the Marshall

18 County Correctional Facility, correct? Dentist or doctor, that

19 person worked at the prison, right?

20 A. That's my understanding, yes.

21 Q. Okay. And he called you a couple of times --

22 A. Right.

23 Q. -- to -- and then you spoke to Stephen Bittick, who is a

24 reverend, a Methodist minister, from Byhalia, correct?

25 A. That's right.

1 Q. Okay. And his wife -- the reverend's wife worked at the
2 prison, correct?

3 A. That's my understanding.

4 Q. Okay. Did you ever speak to her? Do you know
5 Mrs. Cassie?

6 A. Not really directly. I mean, I had met Mrs. Cassie at a
7 luncheon. We didn't really discuss prison issues. We
8 discussed, you know, church things. But I didn't have a one on
9 one with her about specifics.

10 Q. Okay. And you reported the phone call that you had with
11 this dentist or doctor -- you reported that to Jerry Williams
12 at MDOC?

13 A. Absolutely.

14 Q. Okay. And he advised you he was going to look into the
15 issue, correct?

16 A. That's right.

17 Q. Now, after Dr. Woods had her clearance revoked and was
18 terminated from the jail, Mr. Pat, who is her father-in-law,
19 contacted you, didn't he?

20 A. Well, I don't know what the time line was; but I wasn't
21 involved in the security or the termination, so I don't know
22 what happened first. I know that I saw Mr. Pat Woods, and he
23 was just disappointed that the decision had been made to let
24 her go. And that was the first I'd heard about it.

25 Q. Did you talk to him by phone, or did you talk to him in

1 person?

2 A. I talked to him in person.

3 Q. Okay. And describe that conversation.

4 A. As I said, I was at the feed and seed; and he was just
5 disappointed that that had been done. And, again, it was news
6 to me. I had no knowledge of it.

7 Q. Did Mr. Pat tell you the reasons that Dr. Woods was no
8 longer working at the prison?

9 A. He wasn't clear on it.

10 Q. Okay.

11 A. He just asked me if I knew about it.

12 Q. Okay. And you also talked to Dr. Woods after all of this
13 happened, right? Didn't she call you?

14 A. I think I did have a conversation about it, and I may have
15 called and asked and -- and asked if there was anything I could
16 do. And I felt bad about it. I'd come to understand somehow
17 that her termination was somehow due to me in some way, and I
18 didn't understand why.

19 Q. You understood the accusation was that she had been
20 talking to you outside of the jail, correct?

21 A. Well, I understood that -- or what I've come to understand
22 is that she was a whistleblower of some kind; or she was
23 accused to do that, which was very disappointing.

24 Q. Because your testimony is that that didn't occur, right?

25 A. It never occurred.

1 Q. Okay. Did you tell her, look, the dentist from the clinic
2 is actually who called me? Did you tell her that?

3 A. I may have. I mean, I didn't know if he was a dentist or
4 a doctor. I don't know who he was. All I knew he was a male
5 staffer in the medical field from the prison.

6 Q. Okay. Did you contact Jerry Williams at MDOC about
7 Dr. Woods losing her job?

8 A. I said that was very disappointing to hear that Dr. Woods
9 had been terminated.

10 Q. Okay. So you -- I'm not sure I followed you. You did
11 contact Jerry Williams?

12 A. I told him I was very disappointed to hear that she was
13 terminated.

14 Q. Okay. Did you explain to him that Dr. Woods is not the
15 person who actually called you?

16 A. No. I didn't know the root cause of what got her
17 terminated. I didn't know -- I didn't know the details of it.

18 Q. Okay. You didn't ask?

19 A. No.

20 Q. That wasn't important to you to know why she was
21 terminated?

22 A. I'd heard that she'd been terminated for talking to me,
23 and I knew that was false.

24 Q. Right. And you didn't make any effort with Jerry Williams
25 to try to clear that up with him?

1 A. She didn't work for DOC.

2 Q. That's not my question, sir. My question is, you didn't
3 make any effort with Jerry Williams to try to clear up the fact
4 that Dr. Woods had not been talking to you?

5 A. You know, from recollection, I don't think I did. I mean,
6 you're asking me to recall issues that I didn't really find
7 important at the moment. So I didn't make any note of whether
8 I did or I didn't. I could have talked to Jerry about, you
9 know, it was disappointing that she was terminated.

10 But, once again, as I've said, I start and stop with the
11 Department of Corrections, not with a contractor or any outside
12 entity. So I can't say grace over any of that.

13 Q. You don't think that would be within your chain of
14 command, in other words?

15 A. Well, you've used the word "chain of command" a couple of
16 times if I may address that.

17 Q. Sure. Yes, sir.

18 A. Chain of command, when you're in the legislature, is not
19 appropriate. I am -- once again, am a -- in the House of
20 Representatives. And I serve the 26,000 people that put me
21 there. And it makes me closest to the people.

22 And, so, that chain of command is all 26,000 of those
23 people are all equal. And, so, there's not one better than the
24 other or one voice louder than the other. And, so, that chain
25 is -- is not a militaristic chain.

1 When we're reporting issues from an agency standpoint,
2 then, yes, sir, we follow a chain of command. Or I -- I do.
3 It's not a protocol. It's nothing we're required to do. But,
4 just from my upbringing, my disciplines are to follow chain of
5 command.

6 Q. Okay. You have to follow that in your business and that
7 sort of thing?

8 A. That's just my personal opinion.

9 Q. Yes, sir. Fair enough. But Dr. Woods is one of your
10 constituents, right; she lives in your district?

11 A. That's right.

12 Q. And you didn't see the need to talk to Jerry Williams to
13 try to clarify this issue about who's actually talking to you?

14 A. Once again, she didn't work for Jerry Williams.

15 Q. All right. She worked under Jerry Williams in a sense,
16 didn't she?

17 A. No.

18 Q. Her company had a contract with MDOC; did it not?

19 A. She worked for a health-care provider who was a
20 contractor. So, to address your question directly, no, I
21 didn't.

22 Q. Did Jerry Williams ever tell you that the warden would be
23 willing to sit down with you to discuss these issues?

24 A. No, sir. When I followed up with Jerry Williams about
25 this issue, he simply said it was under investigation; and he

1 couldn't comment.

2 Q. Okay. Did you ever try to follow back up with him on
3 Dr. Woods' behalf or just for your own knowledge; did you ever
4 do that?

5 A. Again, when I followed up with Jerry about all of those
6 issues about the reported staff shortage or anything I would
7 ask him about, he said we have a -- it's under an in-house --
8 it's under investigation. We have an internal investigation
9 ongoing. And, so, he had no comment.

10 Q. If Jerry had advised you -- if Mr. Williams had advised
11 you that the warden would be willing to meet with you and
12 Dr. Woods to discuss these issues, would you have done that?

13 A. Well, that's a woulda, coulda, shoulda, now, isn't it?
14 We're past that, aren't we?

15 Q. I don't think we are. I think that you were advised that
16 the warden would be willing to do that.

17 A. Well, we didn't do it.

18 Q. Okay. And I think you testified in your deposition that
19 if you'd been asked to do that you wouldn't have done it
20 anyway.

21 A. Well, again, I work with the Department of Corrections.
22 And, if the Department of Corrections wanted to sit down with
23 the warden, then I possibly would have. But I wouldn't have
24 sit -- I wouldn't have taken it upon myself to sit down with
25 the warden, no, sir.

1 Q. Okay.

2 A. As I would at any other facility.

3 Q. Did you make any effort to try to contact Jesse Williams
4 about any of these incidents or --

5 A. No, sir.

6 Q. Okay. And do you recognize -- Jesse Williams is sitting
7 right over here. Do you recognize him at all?

8 A. No, sir.

9 Q. No? You've never met Jesse Williams, have you?

10 A. (Witness shaking head).

11 Q. Never spoken to Jesse Williams, have you?

12 A. No, sir.

13 Q. Did he contact you when he first took the position as a
14 warden to try to talk to you about corrections issues in the
15 jail?

16 A. I don't believe so.

17 Q. Okay. Did you reach out to anyone at Centurion to try to
18 clear up this, as you've testified, misconception about
19 Dr. Woods talking to you?

20 A. No, sir.

21 Q. Have you ever taken a photograph with Dr. Woods?

22 A. Lord have mercy.

23 THE COURT: What was that?

24 THE WITNESS: Lord have mercy. I -- I --

25 BY MR. PEEPLES:

1 Q. And you've probably taken a lot of photographs. I'll give
2 you that.

3 A. Who knows. Possibly.

4 Q. Possibly. Okay. You don't know for sure one way or the
5 other. Okay. All right.

6 A. I don't know.

7 MR. PEEPLES: That's all I have, Your Honor. Thank
8 you.

9 THE COURT: Mr. Long?

10 MR. LONG-DANIELS: Yes, sir. Thank you.

11 CROSS-EXAMINATION

12 BY MR. LONG-DANIELS:

13 Q. Good afternoon, Representative Kinkade.

14 A. Young man, how are you?

15 Q. I am great. Great to see you again. Just a few follow-up
16 questions. You -- you believe that security clearances are
17 important for the good of the order (inaudible)?

18 A. You don't like that mask, do you?

19 Q. I hate it. But I'm going to try to (inaudible).

20 A. Do I think a security clearance is important in this --

21 Q. For the -- for the good of the order.

22 A. Yeah. I think a security clearance is good in any
23 organization at some level.

24 Q. You and I were both soldiers. We know what security
25 clearances are for, right?

1 A. Absolutely.

2 Q. And, if you don't have a security clearance, then you
3 can't get in the place that's secure, correct?

4 A. Depends on the level you need.

5 Q. Yes, sir. But, assuming you need a top secret security
6 clearance, if they take it, you no longer have access to the
7 top secret information, right?

8 A. I -- that would seem appropriate.

9 Q. Yes, sir. And you would agree with me, wouldn't you, as
10 two old soldiers, that the chain of command is important in any
11 organization?

12 A. Well, these are disciplines that we have as old soldiers.
13 They're not required by the general public, but we maintain
14 those.

15 Q. Yes, sir. Because, if you have a company, then you would
16 want somebody in your company to bring something to your
17 attention before they talk to somebody outside the company,
18 wouldn't you?

19 A. That's right.

20 Q. Because you would want a chance to deal with it first,
21 wouldn't you?

22 A. That's right.

23 Q. And you would be disappointed if they went outside and
24 talked to somebody before they talked to you and gave you a
25 chance to fix it, right?

1 A. I presume you're right.

2 Q. That's just for the good of the order, right? Now, you
3 mentioned that you serve this wonderful district --

4 A. Fifty-two.

5 Q. Fifty-two. 26,000 people. The Marshall County
6 Correctional Facility is in that district, correct?

7 A. No, sir, it's not.

8 Q. It's not?

9 A. No, sir.

10 Q. Is it close to that district?

11 A. It's in Holly Springs, so it's in the adjacent district.

12 Q. Adjacent district. Okay.

13 A. South of my district.

14 Q. Okay. But you never stopped by to have a word with the
15 warden?

16 A. Oh, certainly. I stopped by that facility on a couple of
17 occasions. I haven't since the new warden has taken position;
18 I haven't had an opportunity to do that.

19 Q. Did you ever take the opportunity to do that?

20 A. Once again, as I said, I've done it two or three
21 occasions; but I haven't had an occasion to do it since the new
22 warden has been assigned.

23 Q. You mentioned the conversation with Dr. Woods'
24 father-in-law after she was terminated.

25 A. In passing, yes.

1 Q. Well, you say in passing; but y'all sat up and say hello
2 to each other and greet each other and then talk about it?

3 A. I was going to buy fertilizer.

4 Q. Were you going to buy fertilizer from his store?

5 A. Probably some fertilizer, yes.

6 Q. And, while you were there --

7 A. He saw me out there on the dock; and, while somebody was
8 loading my truck, we usually talk about the weather or
9 whatever. This day it happened to be that.

10 Q. This day it happened to be his daughter-in-law, Dr. Woods.
11 And you then had a conversation with Jerry Williams at the
12 Department of Corrections, correct, about Dr. Woods?

13 A. Again, I've stated that I wasn't real clear on that
14 conversation. But I did mention to Jerry that I was
15 disappointed that I'd heard that she was terminated.

16 Q. And you dropped that little nugget --

17 A. It was not immediate.

18 Q. And you dropped that little nugget for a reason, didn't
19 you?

20 A. Well, the reason was that she was my constituent.

21 Q. And you wanted him to know that she was your constituent,
22 right?

23 A. (Nodding head).

24 Q. And you expected some action from him, didn't you?

25 A. He's the deputy director of corrections in facility

1 management.

2 Q. Yes, sir.

3 A. I simply reported to him that I was disappointed. I
4 didn't request action.

5 Q. You didn't have to because you were the chair of the
6 Corrections Committee that funded them, right?

7 A. I indicated my disappointment.

8 Q. Yes, sir. And you expected him to do something, didn't
9 you?

10 A. That's your words.

11 Q. Yes, sir. I'm asking yours. Did you want him to do
12 something to help Dr. Woods?

13 A. Let me go slow here. I told him I was disappointed. You
14 take it as you like it.

15 Q. Right. I used to be a politician too. When my
16 constituents told me that they were disappointed, that usually
17 meant they wanted me to do something.

18 A. Well, you're not a politician anymore. How about that?

19 Q. I'm glad, but I -- if I can't sit in your seat; but could
20 you answer my question, please?

21 A. Yes, sir. I indicated to Mr. Williams that I was
22 disappointed. I didn't require a comment.

23 Q. Disappointed. Enough said with, "I'm disappointed."

24 A. It doesn't require an action, doesn't require a comment.

25 Q. But then you follow up with him about it. Right?

1 A. I followed up about security at the facility.

2 Q. You followed up with him about Dr. Woods, right?

3 A. As well.

4 Q. And, when you followed up with him, what did you say to
5 him?

6 A. He said, "It's under investigation."

7 Q. And you left it at that?

8 A. I did.

9 Q. Let's just be candid for this jury. You wanted Dr. Woods
10 to get her security clearance back, didn't you?

11 A. I never -- I never asked for it back.

12 Q. No, sir. I didn't ask what you asked. I want to know
13 what you wanted. Did you want her to get her security
14 clearance back?

15 A. I thought we were dealing with facts, not with what I
16 want.

17 Q. Well, sometimes I don't know what's fact and what's
18 fiction; but I want an answer to my question. Did you want
19 Jerry Williams to do something to help Dr. Woods?

20 A. I didn't want Dr. Woods to lose her job because something
21 was wrong.

22 Q. Now we're cooking with grease. And the fact of the matter
23 is, despite your inquiry to the Department of Corrections as
24 the chair of the Corrections Committee, they didn't help her
25 get her job back, did they?

1 A. Well, frankly, I didn't ask for it back.

2 Q. Well, the truth of the matter is, she sits today here
3 because she didn't get that security clearance back so she
4 could go back to work?

5 A. And I feel horrible about that.

6 Q. Yes, sir. As the head of the Corrections Committee, you
7 couldn't change the direction that boat was headed, could you?

8 A. Well, I'm the House chair now. We got a set of chairs as
9 well. So, when you come to the head, don't forget the other
10 side.

11 Q. Well, I -- I --

12 A. You were there.

13 Q. Maybe I overstated your power.

14 A. Okay.

15 Q. But, as the head of the House Committee, Corrections
16 Committee, you couldn't get that boat turned around. She
17 stayed terminated, didn't she?

18 A. I did not use my influence for that action, if that's what
19 you're stating.

20 Q. No, sir. I'm just saying --

21 A. I did not use my influence to change the direction of
22 this, if that's what you're stating.

23 Q. No, sir. I'm -- I'm simply saying --

24 A. Right or wrong, I did not use my influence to change the
25 decision.

1 Q. Yes, sir. I understand that. My simple question is,
2 nothing changed after you made that inquiry, did it?

3 A. Do you feel like I should have used my influence?

4 Q. Well, I'm not asking about everybody.

5 A. It's a straight question.

6 Q. My question's about change. Nothing changed after you
7 made that inquiry, did it?

8 A. Not to my knowledge.

9 MR. LONG-DANIELS: Thank you, Judge.

10 THE COURT: All right.

11 You may redirect.

12 REDIRECT EXAMINATION

13 BY MR. WAIDE:

14 Q. Sir, first of all, as a member of the legislature, do you
15 feel like you have an obligation to your constituents if
16 something happens to a constituent to at least look into it or
17 to examine her concerns? Do you feel like you have that
18 obligation?

19 A. Yes, sir. You know, I have daily -- I have constituents
20 call me that ask about their tax returns. They're not getting
21 them back in time. Or their homestead exemptions; they're not
22 being filed properly; or any myriad of concerns. And they're
23 entitled to call their state legislator, and my job's to follow
24 up.

25 Q. Based upon Dr. Woods' reputation in the community as a

1 doctor and knowing her family as you did, did you have concerns
2 about her being terminated from that position at Marshall
3 County Correctional Facility?

4 A. I certainly did.

5 Q. Is the Department of Corrections an entity with which you
6 normally deal as a legislator when you were committee chairman,
7 and you were working with the prison? Is Mr. Jerry Williams at
8 the Department of Corrections the person who you normally
9 talked to?

10 A. I dealt with Pelicia Hall. She's the commissioner. She's
11 ultimately the one -- the commissioner. Her deputy
12 commissioner over facilities, which is where Holly Springs fell
13 under, would be Jerry Williams. And then, you know, one level
14 beyond that would be constituent services. That was in
15 Jackson. But that's the levels that I dealt with at the
16 Department of Corrections.

17 Q. All right. At the time you talked to deputy commissioner
18 Williams, Jerry Williams, did you know any of the details about
19 what reasons that either Centurion was claiming that they fired
20 her or MTC was claiming they revoked her security clearance?
21 Did you know what claims they were making about why they did
22 that?

23 A. When I talked to Jerry, I had already found out through
24 her father-in-law; and, I think, I probably talked to Amy at
25 that point and found out that somehow they had indicated that

1 I -- she was a whistleblower, or somebody had talked to me.

2 And it instigated some investigation because she had --

3 apparently, had talked to me. Or it was put to me that way.

4 And that's what I told Jerry, "This is not correct. That's not
5 right."

6 Q. Okay. You told him it's not correct that she talked to
7 me, is what you told Jerry?

8 A. Right.

9 Q. Okay. And his statement to you was he would look into it?

10 A. "It's under investigation."

11 Q. Okay. To your knowledge, you don't know whatever became
12 of it after that?

13 A. I followed up about three weeks later amongst other
14 things, and he said it was under investigation. And, so, when
15 it's under investigation, he really -- that was his way out of
16 making any comment.

17 Q. Okay. Do you feel today that you did anything wrong when
18 you talked to Commissioner Williams -- Assistant Commissioner
19 Williams?

20 A. No, sir. Not at all.

21 Q. And do you think you did anything wrong by talking to
22 those employees down there at the facility?

23 A. No, sir. Not at all.

24 Q. Were you doing your job as a legislator?

25 A. I'll continue to do it.

1 MR. WAIDE: That's all I have.

2 THE COURT: Okay.

3 Mr. Kinkade, thank you. You're now excused.

4 THE WITNESS: Thank you, Judge.

5 THE COURT: Drive careful.

6 THE WITNESS: Let's go to Jackson.

7 (END OF THE TRIAL TESTIMONY OF BILL KINKADE)

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CERTIFICATE OF OFFICIAL REPORTER

I, Rita Davis, Federal Official Realtime Court Reporter, in and for the United States District Court for the Northern District of Mississippi, do hereby certify that pursuant to Section 753, Title 28, United States Code that the foregoing is a true and correct EXCERPT of the transcript of the stenographically reported proceedings held in the above-entitled matter; and that the transcript page format is in conformance with the regulations of the Judicial Conference of the United States.

Dated this 22nd day of May, 2022.

/s/ Rita Davis
RITA DAVIS, FCRR, RPR, CSR #1626
Federal Official Court Reporter